

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DILENIA PAGUADA, <i>on behalf of herself and all others</i>	:
<i>similarly situated</i>	:
	:
Plaintiff,	:
	:
-v-	:
	:
NALU KAI INCORPORATED ET AL,	:
	:
Defendants.	:
	:
-----X	

21 Civ. 734 (PAE) (KHP)

ORDER OF DISMISSAL

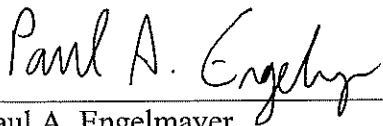
PAUL A. ENGELMAYER, District Judge:

On August 19, 2021, plaintiff filed an amended complaint. Dkt. 19. On October 7, 2021, Magistrate Judge Katherine H. Parker granted leave to amend the complaint, and directed plaintiff to file affidavits of service of the amended pleading within the time period specified in the Federal Rules of Civil Procedure. Dkt. 23. The plaintiff did not do so. On February 2, 2022, the Court issued an order to show cause why this action should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41. Dkt. 25. On February 15, 2022, plaintiff filed a letter stating that she had not received an issuance of summons. Dkt. 26. On February 23, 2022, the Court instructed plaintiff to request an issuance of summons promptly, and to file an affidavit of service by March 1, 2022, within one week of its order. Dkt. 27. To date, plaintiff has not filed proof of service, and has not indicated to the Court that she has taken steps to serve the amended complaint on defendants.

Accordingly, under Federal Rule of Civil Procedure 41(b) and the Court's inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962), the Court hereby dismisses this case, without prejudice, for the plaintiff's failure to prosecute.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: March 2, 2022
New York, New York